

Army Must Try Bergdoll, Rules Federal Court

Prisoner Was Regularly Inducted Into Service, Says Judge; May Affect Cases of 170,000 Draft Evaders

Called "Morbid Coward"

Lawyer to Ask Supreme Legal Decision; Military Proceedings On To-day

The court-martial of Grover C. Bergdoll, Philadelphia draft dodger, will continue to-day. Judge Ledger Hand, in the Federal District Court, decided yesterday in connection with a habeas corpus writ that Bergdoll had been regularly inducted into the military service of the United States, and held that his trial by court-martial was proper. Counsel for Bergdoll had contended that his trial should take place before a civil court, on the charge of draft evasion, instead of the present charge of desertion.

The decision is expected to create a precedent for the 170,000 other draft dodgers who refused to answer the summons of the government at the outbreak of the war. The maximum penalty for desertion, according to a recent executive order, is imprisonment for eighteen months, while that for evasion of the draft is one year.

Bergdoll Remains Unmoved

Bergdoll, who was in court with his mother, under the eyes of two enlisted men with side arms, who brought him from Governor's Island, gave no evidence of concern at the decision. He played with a small black mustache during arguments of his counsel, and later busied himself in writing notes and sending them to his lawyers. When Judge Hand was announcing his decision, he crushed a note in his hand, and was still holding the wadded paper, when he was handcuffed to be taken back to Governor's Island. At his departure, his mother, who displayed no emotion, told him that she would be on hand to the court-martial at 10 o'clock this morning.

In dismissing the motion for Bergdoll's trial by civil court, Judge Hand said that the application was more desultory than almost any other brought before him. Basing his decision on the petition submitted for the habeas corpus writ, which by Bergdoll was brought into the Federal District Court, Judge Hand declared that Bergdoll was shown by the petition to have registered for the draft and later to have taken the oath of enlistment, and to have been examined, and to have remained in hiding for a long period.

He held that induction had been automatically effected by a notice sent to Bergdoll in August, 1918, by the adjutant general's department, in which Bergdoll was ordered to appear within ten days. The fact that Bergdoll had absconded and did not receive the notice, Judge Hand held to be inconsequential.

Morbid Coward, Says Judge

"The only conceivable argument advanced is that Bergdoll may have been drafted by mistake," Judge Hand declared. "From the allegations it appears, however, that the man was a morbid coward. He may have some form of mental derangement, but that does not change the power of the authorities to induct him. In that case his derangement should have been brought before the local board, as it is a consideration in a plan to affect the jurisdiction of the court-martial."

Harry Weinberger, counsel for Bergdoll, requested that his client be placed in the custody of the United States Marshal for this district pending his appeal to the United States Supreme Court, but Judge Hand denied the application. He said that he would afterward that he would take the case to the Supreme Court to-day.

Weinberger, in his argument, claimed that a civil trial by jury was provided for in the draft evasion cases, and that only upon conviction was a man inducted into military service, when a court martial would have jurisdiction. He said that efforts of the government to induct a person into military service could be defeated if a man failed to register or return a questionnaire.

Weinberger referred to Mrs. Bergdoll on one occasion. He said that Lieutenant Colonel C. C. Cresson, court-martial judge advocate, assisting Federal District Attorney Francis G. Caffey in opposing Bergdoll's motion, had refused to let her son stay in the city while waiting for the hearing yesterday afternoon after Judge Hand had put it over from the morning.

"Put the hands on him and take him back to Governor's Island," Weinberger quoted Cresson as saying. Weinberger raised a point that the name of F. D. Berry, adjutant general, had been made with a rubber stamp on the notice sent to Bergdoll, and the regulations called for its being made with pen and ink. "Such a contention is too trivial to be noticed," Judge Hand declared.

Mrs. Shonts's Appeal Heard

Asks Reversal of Decision Ousting Her as Administratrix

The Appellate Division heard argument yesterday on the appeal of Mrs. Milla D. Shonts, widow of Theodore P. Shonts, president of the Interborough Rapid Transit Company, from the decision of former Surrogate Fowler, revoking letters of administration granted her on the estate of Mr. Shonts.

When Mrs. Shonts filed her petition to be appointed administratrix of the will of Mr. Shonts, in which he left the bulk of his estate to his friend, Mrs. Amanda C. Thomas, she had not been notified of the decision of the Surrogate. In asking for the revocation of the letters granted to Mrs. Shonts, the executors of the will alleged that she had deceived the court into believing that her husband had not left a will, whereas, it was alleged, she had seen a copy of the document. Mr. Fowler, however, appointed Mrs. Shonts as temporary administratrix. Mrs. Shonts is contesting the will.

Sing Sing Fled of Convict

Who Fleed, Leaving Dummy

Warden Lewis E. Lawes has succeeded in riding Sing Sing Prisoner of three of its most troublesome prisoners, it was learned yesterday. John McAllister, Alfred Friedlander and Percy McDonough have been transferred to Clinton Prison.

McAllister is the burglar who covered his getaway last May by leaving in his cell an elaborately modeled dummy. Friedlander and McDonough were the two who took refuge in a dugout in the prison yard and remained there in hiding for fifty-three hours.

Girl Freshman Held Captive Many Hours by Sophomores

Elsie Kanowitz, Pretty and Popular, "Disciplined" for Violating Rule Against Flirting; Mother Appeals to College Authorities in Vain

Taking a leaf out of the stories they had read of college men's doings, girl sophomores in the Washington Square College of New York University late Thursday afternoon gagged and blindfolded Elsie Kanowitz, a freshman charged with violating rules of conduct laid down for such, bundled her into a waiting taxicab, drove her to a boarding house and kept her there in a bathrobe a prisoner for eighteen hours. She was released yesterday morning, after her mother, Mrs. I. Kanowitz, of 754 West 180th Street, had appealed in vain to the university authorities to rescue her daughter from her unusual plight.

The rule of freshman "co-ed" conduct which Miss Kanowitz is charged with having violated is the fourth of a series entitled "Girls' Freshman Rules," which went into effect at New York University at the beginning of the semester. It reads as follows:

"Thou shalt not converse with members of the male sex in the corridors, halls or classrooms."

Pretty and Popular

Although the names of the girl sophomores partaking in the kidnapping remained a secret, the story of what occurred, as divulged by her classmates, is something to this effect:

Miss Kanowitz, who is undeniably pretty, has for some time aroused the ire of the sophomores by her arrogant refusal to abide by the rule quoted above. She was popular, and coming into and going out of classes she was generally to be seen in the company of a masculine escort, with whom she chatted gaily and apparently quite oblivious to the rule she thereby violated.

Finally, the sophomores decided on action. They sent a messenger to the

classroom in which Professor Whipple was conducting a course in essay writing, on the ninth floor of the N. Y. U. building, at Washington Square, with the announcement that Miss Kanowitz was wanted by the dean in the office, situated on the eighth floor.

The victim went, unsuspecting. As she opened the door into the eighth floor corridor seven hunky pairs of feminine arms seized her, stuffed handkerchiefs into her mouth and wound bandages around her eyes. Then she was transferred in a jiffy into a waiting taxicab. The blinds of the cab were drawn.

Mother Starts Search

After a lengthy journey she found herself in a small hall bedroom amid strange surroundings. Her captors, who wore masks at this stage of the proceeding, took the bandages off her eyes and the gag out of her mouth, and then roughly undressed her and substituted a bathrobe for her clothes, which they concealed. Then her hair was loosened and put up in long braids. The numerals of the sophomore class were painted in iodine on her forehead. When evening approached the sophomores began to get conscience stricken and finally decided to telephone their prisoner's mother. When they asked Miss Kanowitz whether she had any message for her parent, she told them: "Say to my mother that I'm happy and having a fine time."

When Mrs. Kanowitz was apprised of her daughter's situation, she hurried to the university, but the authorities, ignorant of the kidnapping, were helpless in the circumstances, the sophomores whom they called before them all pleading ignorance of the affair. Yesterday afternoon Miss Kanowitz was released, with the admonition that she heed the "freshman rules" hereafter herself and impress upon her classmates the necessity of strict conformance with their mandates.

Two Ships Creep In Through Fog; Third Is Held Up

French Sculptor Who Made \$11,000 Statue of Marine at Belleau Wood Arrives Aboard Liner La Touraine

Three westbound transatlantic liners were held off Sandy Hook yesterday by a tenacious fog that settled on the harbor soon after midnight. Several times the mist cleared in patches and permitted two of the vessels to come to dock.

The first to break through was the French liner La Touraine from Havre. She was followed by the Fabre liner Canada, from Marseilles, but the Cunarder Royal George, from Liverpool, was held off the Hook, and will not dock until this morning.

On the Touraine came Raphael Peyre, a French sculptor, who made a statue which is called "Crusading for Right" and represents a United States marine in action. The statue, which was purchased for \$11,000 by the marines who fought in France, is still a plan, and may be erected in Belleau Wood, where the marines made their great fight against the Germans.

Closed Harry C. Davis, U. S. M. C., with a detachment of Marines met the sculptor of the French Line pier and escorted him and his family to the Hotel Lafayette.

This was Peyre's first visit to this country. He brought with him thirteen small bronze figures which he will exhibit in this city.

Another traveler on the Touraine was Milton J. Schmitt, of San Francisco, who has been abroad two years and is interested in the erection in Paris of a large building to be known as the "World Market." The structure which is to cover twelve acres on the bank of the Seine will cost 100,000,000 francs. Mr. Schmitt returned to America to lay before American manufacturers and exporters a plan for leasing space in the big commercial structure. France, he said, is bound to be the ideal center for a world market.

On the Touraine was Professor Jacques Hadamard, who holds the chair of analytical mechanics at the Ecole Polytechnique, who is on his way to Central America. On his return he will lecture at Yale University.

Skirts To Be Shorter

A score of men and women buyers who returned on the vessel said that some apparel will give way to gayer-colored materials this year and that skirts will be as short as, or perhaps shorter than, the present fashion prescribes.

The vessel brought over a bottle filled with water from the River Rhine. It is to be used by Mrs. Newton D. Baker, wife of the secretary of War, in naming the new United States transport Marine, which is soon to be launched at the Hog Island shipyards in Philadelphia.

Among the passengers on the Canada were Dr. Albert F. Moffett Green, of Kansas City, who had been in charge of a Red Cross station in northern Serbia; Father Louis Ducreux, who is a well-known actor of a parish in New Orleans, and W. Duval Brown, former American Consul at Palermo.

"Shame" Court Calls Arrest

Lawyer Who Struck Detective After Raid Discharged

Robert Moore, fifty years old, a lawyer, of 137 West Ninety-seventh Street, was discharged in Jefferson Market court yesterday on a charge of assaulting Detective William H. Burke, of the 3d Inspection District, during a raid on the Mutual Independent Democratic Club, 28 West Thirty-second Street, February 7.

"It is a shame the police are allowed to make such arrests," Magistrate Max Levine commented.

Clark Jordan, attorney for Moore, brought up a cross-examination of the detective who also had arrested Moore. Moore was not arrested in the club, where the police alleged gambling was in progress, but later when he appeared at the West Thirtieth Street station to give bail for fellow members of the club.

The twenty men taken in the raid were discharged in court February 8.

Jury Awards Boy \$15,000

A jury in Justice McAvoy's part of the Bronx Supreme Court yesterday returned a verdict for \$15,000 in favor of ten-year-old Dante Gattinello, of 805 East 184th Street, and against Max Weiss, owner of an apartment house at 875 East 184th Street, the janitor of which threw a stick at a crowd of boys and caused the loss of Dante's eye.

Arnstein Here In Few Hours, Says Dooling

Assistant Prosecutor Asserts Fugitive Will Be Brought Back by N.Y. Police; Loss of \$12,000,000 Denied

'Nicky' Reported Located

Surety Company Official Hears He Is Not Far Away; Detectives Found

Assistant District Attorney John T. Dooling said again last night that Jules W. Arnstein would be brought into New York by Police Department detectives within a few hours.

"You will have a chance to see Arnstein right here in the District Attorney's office before many hours have passed," Mr. Dooling said to newspaper men.

Bernard J. McGinn, head of the claim department of the American Surety Company, announced that when Eugene McGee and Detective Sergeants Gagan, Macdonald and Brown left here last Friday night with the supposed intention of meeting Arnstein, the four men were followed by one of the company's detectives.

Mr. McGinn said he had received a telephone call from this detective, who said he had located not only Arnstein, but also McGee and the three New York detectives about whom considerable anxiety has been felt in official circles here. Mr. McGinn declined to name the town in which his detective had located the quartet, but said that it was not more than ten hours from New York.

Refuses to Arrest Man The American Surety Company's detective, according to Mr. McGinn, informed the Chief of Police of the city in which he made his discovery and suggested to him in view of the accusations against "Nicky" it might be a good idea to arrest him. He also pointed out to the chief that the four detectives were married men, and that their families had been caused considerable concern by their long absence.

The chief, however, had been too busy reading the latest news from the baseball training camps to devote his attention to the Arnstein case and refused to make an arrest unless requested to do so by the District Attorney in New York.

This situation was communicated to Mr. McGinn by the detective, and the former called up the chief and gave him the full particulars. Mr. McGinn, when questioned about this angle of the Arnstein search, Mr. Dooling merely reiterated his former statement that "Nicky" would be brought in within a few hours. He admitted that he had had several telephone conversations with Mr. McGinn, and said that the American Surety Company and its detective had rendered valuable assistance in the bond theft cases, but he refused to say whether he had requested any chief of police to arrest Arnstein and show the three detectives now to get back to New York. He also refused to speculate upon "Nicky's" probable whereabouts.

\$12,000,000 Total Denied

Mr. Dooling denied that he had said that the six bond thefts reported in the financial district would total \$12,000,000. "I would need an adding machine and a great deal of time to figure up the aggregate bond losses," said Mr. Dooling. "I have never made any attempt even to approximate the total. I have given out no figures in this connection. I will say, however, that \$12,000,000 is much too high."

Officials in a position to know have said that the bond thefts would not exceed \$300,000. At the office of the National Security Company and the American Surety Company it was said that the published estimates of the bond losses were too high. While no specific figures were available, Mr. McGinn said that the American Surety's losses would not reach \$1,000,000. W. I. Griffin, vice-president of the National Security Company, also declined to believe the estimates were extravagant.

Mr. Griffin gave out the following list of losses covered by his company which have been reported since the organized bond thefts began:

Whitney & Co., \$178,000, taken by the messenger Binkowitz; Prince & Co., \$40,000, involving the messenger Tamm; Leonard & Co., \$311,000, which the messenger Jablowsky was concerned, and Hartshorn & Battelle, \$38,000.

Much of Loss Recovered

Of the Leonard & Co. loss, Mr. Griffin pointed out, \$75,000 has been recovered, and the full amount recovered will eventually reach \$101,000. The loss suffered by Hartshorn & Battelle, he said, has been wholly recovered. The total losses reported by the other bond thieves, therefore, Mr. Griffin said, is \$258,000. The National Surety Company, Mr. Griffin asserted, has suffered no other outstanding losses within the period concerned. Other large surety companies have failed to report any surprisingly large losses within the last four months.

At the office of the National Surety Company it was stated that a definite movement is under way among the surety companies to prevail upon the governors of the New York Stock Exchange to adopt a scheme of clearing house for bond transactions. The method would be largely patterned on the clearing house maintained by the banks. Bonds would be carried to the clearing house at certain times of the day only, under heavy guard. No boys would be employed. The messengers would consist entirely of veterans of the Police Department and men of detective experience. The expense would be borne cooperatively by the houses benefiting by the plan.

Weather Report

Middle Atlantic states, accompanied by strong winds and a decided fall in temperature, so that cold weather prevails throughout the entire country east of the Rocky Mountains except in New England.

In the extreme Northwest abnormally high pressure prevails with a heavy overcast and light snows over the Southwest and light snows over the Middle Atlantic states and the Rocky Mountains. The Southwest and extreme West the weather was fair.

There will be snow Sunday in northern New England and snow followed by clearing in southern New England and eastern New York. With these exceptions the weather will prevail Saturday and Sunday over the Mississippi River and temperatures will be very low for the season with a cold wave Saturday in the Atlantic states. Storm warnings are displayed on the Atlantic coast from Eastport to Hatteras.

Forecast for Special Districts.—Eastern New York: Much snow with a heavy overcast and continued cold.

Western New York: Fair to-day except snow flurries and colder in extreme east; to-morrow fair and continued cold.

Southern New York: Much snow and much colder to-day; cold wave; to-morrow fair and continued cold.

New Jersey and Delaware: Clearing and much colder to-day with a cold wave; to-morrow fair and continued cold.

General Weather Conditions WASHINGTON, March 5.—The Western disturbance is off the Middle Atlantic coast with greatly increased intensity. It was at its height last night by general snows in the lake region, the Ohio Valley and eastern Tennessee, and rains in the Atlantic states that turned to snow this afternoon in the

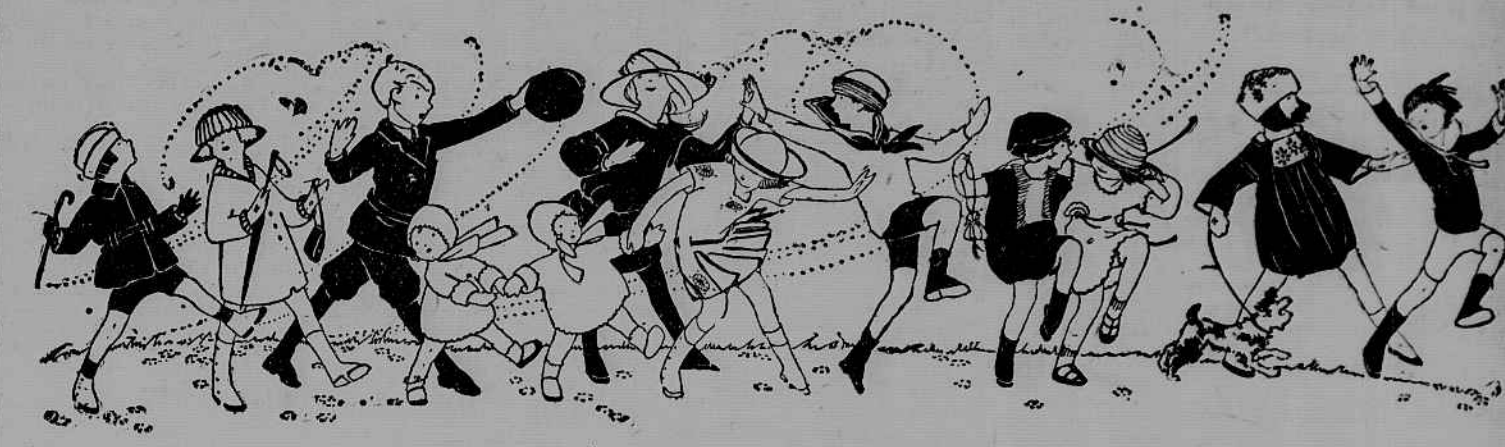
JOHN WANAMAKER

Broadway at Ninth, New York

Formerly A. T. Stewart & Co.

Store opens at 9; Closes at 5.

Cheero! The new Spring Clothes for Boys and Girls and Children have arrived!



For WEE FOLKS

Good morning! This is March 6! The weather today will probably be cloudy.

Some People Think

this country is now too rich, and too disgustingly proud and full of make-believe; that it audaciously puffs up everything and spreads its feathers like a big peacock and screams loudly, calling to be looked at.

A fine young business man said: "Just think of it! When New York and Philadelphia began and when our country all over was first settled there wasn't in it what could be called a rich man."

Everybody was poor and all worked a day's work, living a simple life. Advertisements were short, simple, to the point, without steel traps for the unwary.

In those days people lived plumb up to the Declaration of Defiance to the world and genuine Independence because they did right.

Do you happen to remember that poem of dear, old Jim Whitcomb Riley (as his near friends called him), entitled

Griggsby's Station

"That's got his patent right and rich as all creation; But where's the peace and comfort that we all had before?"

Let's go a-visiting back to Griggsby's Station— Back where we used to be so happy and so poor!

"What's in all this grand life and high situation, And why pink not hollyhock a-blooming at the door? Let's go a-visiting back to Griggsby's Station— Back where we used to be so happy and so poor!"

(Signed) John Wanamaker.

March 6, 1920.

Concert

In the Auditorium today, at 2:30 Orchestral Concert by Kriens Symphony Club (100 players); Christian Kriens, conductor.

MARJORY CRAMPTON, violin J. VAN BOMMEL, baritone First Gallery, New Building.

Tempting box of tasty mints, \$1.25

In a pretty, round box, tied with a green ribbon for March 17th, is an assortment of delicious mint candies. Cream peppermints, chocolate covered mints, molasses mint pillows, minty gum drops and tiny mint cordials.

Eight Gallery, New Building.

MEN'S Ulsters are down to \$32.50

They were \$47.50. Will be more next season.

There are two or three hundred in sizes 34 to 40; belted all around, with just a dash of a flare in the skirts when the belt is pulled tight; eight shades of brown and gray and olive green—dark fancy effects; smart as can be.

If you were thinking of buying a new winter overcoat next November, come and see these ulsters. If you buy one, as we think you will, you'll save more than a dozen times the interest on your investment.

Ulsters at \$54.50

Until this morning these were \$80 and \$85. If we were speculators instead of merchants—trustees for our customers—we never would reduce these coats.

SPRING SUITS are coming in. GOLF SUITS are ready.

Burlington Arcade floor, New Building.

For WEE FOLKS

The Children and Baby Store have moved, you know—the same floor—but to the Broadway side.

Special for today

Hats, \$2.95—new hats for "Master 2 to 6." Small turn-down sailors. Smart little "put-on-and-wear-all-the-time" hats, in black, white, navy blue.

A little larger sailor with turned up brim has gros-grain ribbon band which falls in back streamers. Suitable for Miss 2 to 6. In navy blue, black and sand.

Many other hats to select from, \$3.50 to \$8.95.

Regulation coats, sizes 2 to 6—\$10.50

For girls or boys. A box coat with sailor collar, made of good serge.

Bloomer dresses, \$2.95

An excellent bloomer dress, in blue, or brown chambray, piped in white; pocketed; shortwaisted model.

Pretty creepers at \$2.25

A white dimity finished with little embroidered checks on a band at sleeves, pockets and neck. And a chambray, in tan, blue or white.

Third floor, Old Building.

For GIRLS

of 6 to 14 years

New play frocks—some fashioned with bloomers instead of skirts—school dresses, frocks for best wear, dancing and party frocks. New coats and capes, too—many are copies of Paris models. Skirts in gay checks and plaids.

Hand-made frocks—special, \$8.50

Our \$16.50 grade.

Frocks of sheer white batiste and voile; wee tucks, embroidery and beauty to these dresses. Every stitch hand-made—by some of the most expert needlewomen in the world.

Dresses at \$3.75

Originally \$5.75 to \$6.75.

Frocks of checked gingham and chambray—hand-smocking and cross-stitch work lend a refined and distinctive note. Favorite colors.

White middy blouses

Types desired by young girls who are graduating. In white jean cloth—some trimmed with braid, \$1.95, \$2.75 and \$3.25. Sizes 6 to 20 years.

White skirts for wear with the blouses—in jean cloth, pique and novelty cottons; \$1.50 to \$6.50.

Bloomers—black sateen, \$2.95; all-wool serge, navy blue or black, \$3.75 and \$6.75.

"Regulation" dresses

\$6.75 and \$11.75

Blue or white jean cloth, \$6.75; blue Palma cloth or white linen, at \$11.75.

Second floor, Old Building—Tenth Street Side

For BOYS

New Spring Suits—

Two special groups at \$25 and \$29.50

(Two pairs knickers)

All-wool suits in Spring weights, for the boy from 7 to 18 years.

A variety of colors—as many as ten or twelve to choose from, all tasteful and good-looking. The suits are alpaca lined and "Wanamaker-tailored," which means thorough work at every point in the garment where good tailoring will benefit.

HATS and CAPS

Stitched hats, \$2.50 to \$4.50. In brown, green and heather mixtures. Smart looking. Correct for spring wear.

Caps, \$1.75 to \$3.75. The boys' favorite for early spring. Not as formal as the stitched hat, and more comfortable.

Third floor, Old Building.

Boys' Shoes at \$5.40

\$8 grade—the last hundred pairs of a large group. Cannot re-order to sell at \$8. So are closing out to avoid having same qualities in regular stocks at two prices.

Black lace, 1 to 4 1/2 sizes, widths B to E.

Burlington Arcade floor, New Building.

Music

"Music develops its own standards," says The Tribune.

"There is only one way to develop taste in any art, and that is by satisfying one's self in it. To learn rules, or hear an occasional concert, or memorize a few pieces on a piano after years of disagreeable endeavor, is not to become musical. The beauty of the player-piano and the talking machine artistically speaking was that they laid down no rules whatever. They simply filled the American home with music—good, bad, indifferent, as the taste of the owner elected. Taste does not remain stationary, however. There would be no progress in any art if it did. Music develops its own standards; it improves ears, comprehension, taste, as it goes along."

N. Y. Tribune, Feb. 26.

There WILL be Easter Music in YOUR home—will there not?

It is not too early to set about seeing what piano, player-piano or Reproducing piano you would prefer to have in your home. For MUSIC is so vital a thing, exceeding care should be taken to make sure you get an instrument that will produce MUSIC—not merely sound. And the kind of music YOU want—soft and sweet, or brilliant and vibrant. You cannot decide wisely unless you compare widely.

We have more than NINETY makes, styles, sizes and grades of pianos, player-pianos and Reproducing pianos, from \$395 to \$3,250.

The finest of the whole wonderful collection—finest anywhere, we think—is the CHICKERING-AMPICO Reproducing Piano. The AMPICO gives the music. The Chickering gives the tone. More than a hundred great pianists have played for the AMPICO—played music such as only great pianists can play. And the AMPICO reproduces it all without any change, with no loss of expression or individuality, in the indescribably lovely tone of the CHICKERING piano.

One of the characters in Arnold Bennett's great play, "Sacred and Profane Love," is a famous pianist, to whose genius the capitals of the world have paid homage. The actor who portrays this character portrays it well—splendidly. But he cannot play the piano. And in the first scene he MUST play it—play it as the character he represents would have played it. How is it done? . . . You have guessed right. Such a scene could not have been put on, properly, without the AMPICO.

Between the CHICKERING-AMPICO (one style, the best, at \$3,250) and the sweet little upright piano at \$395, there are more than 90 choices for you here, in instruments that produce good music. In all the country there is no choice so great, no such certainty of getting